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THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PATENT**

#45  
ENT B. Dennis  
5-6-96

*In re* Application of:

Donald MORTON  
Rishab K. GUPTA  
David M. EUHUS

Serial No.: 07/431,533

Filed: November 3, 1989

For: URINARY TUMOR ASSOCIATED  
ANTIGEN, ANTIGENIC SUB-  
UNITS AND METHODS OF  
DETECTION

§ § § § § § § §

Group Art Unit: 1813

Examiner: H. Sidberry

Atty Dkt.: CADL:002/PAR

**CERTIFICATE OF MAILING**  
**37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.

April 26, 1996  
Date

Steven L. Highlander

**DECLARATION OF DR. RISHAB GUPTA UNDER 37 C.F.R. § 1.132**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Rishab Gupta declare that:

1. I am a U.S. citizen residing at 7118 Costello Ave., Van Nuys, California. Currently, I am Vice President of Education and Director of Immunodiagnosis at John Wayne Cancer Institute.

I have been employed by John Wayne Cancer Institute since July 1, 1991. I am a named inventor of the above-captioned application.

2. It is my understanding that the examiner has objected to my prior declaratory submission regarding the Paulie reference on the grounds that (i) the source and identity of antibody P7A5 is not given, (ii) the methods of antigen preparation are not set forth, (iii) the source and character of antibody C6 is not given and (iv) there are no molecular weight markers for FIG. 1, and the molecular weight marker sizes are not given for FIG. 2 and FIG. 3.

3. First, with respect to antibody P7A5, that antibody is directed to the same antigen as the other antibodies in the Paulie reference. The attached letter from Dr. Paulie confirms this point.

4. Second, the methods by which both batches of UTAA antigen were prepared are as described in the instant specification.

5. Third, the C6 designation is merely a nickname used my laboratory for the antibody designated AD1-40F4 in the instant specification.

6. Fourth, it is submitted that the absence of molecular weight markers is not significant with respect to a comparison of immunologic reactivities. To the extent that the markers may quell any concerns the examiner might have, the markers in FIG. 2 and FIG. 3 are 106, 80, 49.5, 32.5, 27.5, and 18.5 kD, from top to bottom, in the lane marker "STD MW".

7. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date

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Dr. Rishab Gupta